

PALM BEACH COUNTY LIBRARY SYSTEM
GOVERNMENT DOCUMENTS

ORDINANCE NO. 2008 -028

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE TRANSPORTATION ELEMENT (TO DESIGNATE THE INTERSECTION OF **SR7 AND SOUTHERN BOULEVARD AS A CONSTRAINED ROADWAY AT LOWER LEVEL OF SERVICE (CRALLS)** EXCLUSIVELY FOR THE PURPOSES OF CONCURRENCY FOR THE W&W V LLC PROJECT AND TO REVISE THE TCEAS & CRALLS MAP TE 15.1 OF THE MAP SERIES TO DEPICT THESE CHANGES); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 8, February 22, March 28, and April 11, 2008 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 28, 2008 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and **WHEREAS**, Palm Beach County received the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated July 11, 2008 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained objections to the amendment contained in this ordinance;

WHEREAS, on August 21, 2008 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendment satisfies the concerns addressed in the Department of Community Affairs' "Objections, Recommendations and Comments Report" and comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

1. **SR7/Southern Boulevard CRALLS**, to designate the intersection of SR7 and Southern Boulevard as a Road Constrained Roadway at Lower Level of Service (CRALLS) exclusively for the purposes of concurrency for the W&W V LLC project),
 - A. Transportation Element, and
 - B. Map Series, TCEA and CRALLS Map TE 15.1;

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

APPROVED AND ADOPTED by the Board of County Commissioners of
Palm Beach County, on the 21st day of August, 2008.

ATTEST:

SHARON R. BOCK, CLERK
& COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By *Justin C. [Signature]*
Deputy Clerk

By *Addie L. Greene*
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

[Signature]
COUNTY ATTORNEY

Filed with the Department of State on the 28th day of
August, 2008.

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EXHIBIT 1

A. Transportation Element, State Road 7/Southern Boulevard Intersection CRALLS

REVISIONS: To add a CRALLS at the intersection of SR7 and Southern Boulevard. The revision is shown with the added text underlined.

Policy 1.2-f: *(unaltered text omitted for brevity)*

40. The following intersection is hereby designated as a CRALLS facility exclusively for the purposes of concurrency for W & W V LLC project, and shall become effective upon the project's obtaining of a variance (if required) from FDOT's adopted LOS standard for the SIS.

State Road 7 and Southern Boulevard (SR-80)

P.M. Peak Hour

HCM Average Control Delay = 210.3 secs

HCM Level of Service = F

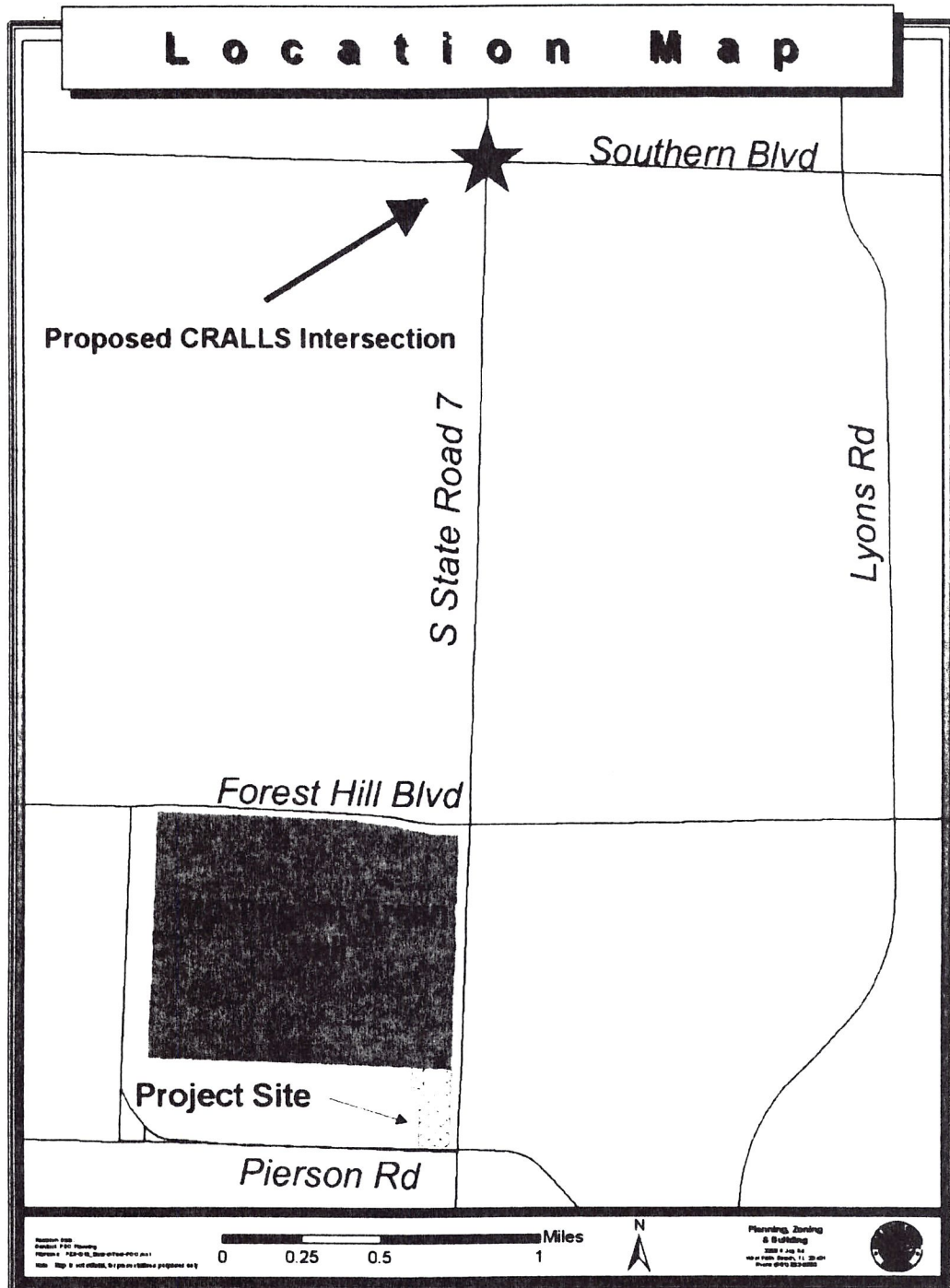
In addition, the maximum queue length (95th percentile) projected by the HCM signalized intersection analysis shall not exceed the available storage on the east and west ramps from SR 80 to their at grade intersections with SR 7 so as not to interfere with the movement of east-west through traffic on SR 80.

To the satisfaction of the County Engineer, the following CRALLS Mitigation Measures are to be implemented in conjunction with this CRALLS:

- 1) The project must prepay Traffic Impact Fees within 6 months of the approval of the Development Order or prior to the issuance of the first building permit, whichever shall first occur.
- 2) The project shall provide a contribution to help cover some of the funding shortfall for the various transportation related improvements, at a minimum of 1.5 times the applicable impact fee to be used towards off-site roadway improvements.
- 3) The project shall require an ADA accessible connection to pedestrian parkways that allow direct access to the Mall at Wellington Green & the bus transfer station there.
- 4) The project shall provide an on-going ride-sharing information service to persons employed by the project.
- 5) The project shall provide an integrated pedestrian system that connects the buildings to public sidewalks & the enhanced Palm Tran bus stops/shelters.
- 6) The project shall provide inter-connectivity between complementary neighboring land uses for both vehicular & pedestrian cross-access.
- 7) The project shall provide a bicycle rack to accommodate commuters using alternative modes of transportation.
- 8) The project shall provide transit passes to employees using mass transit.

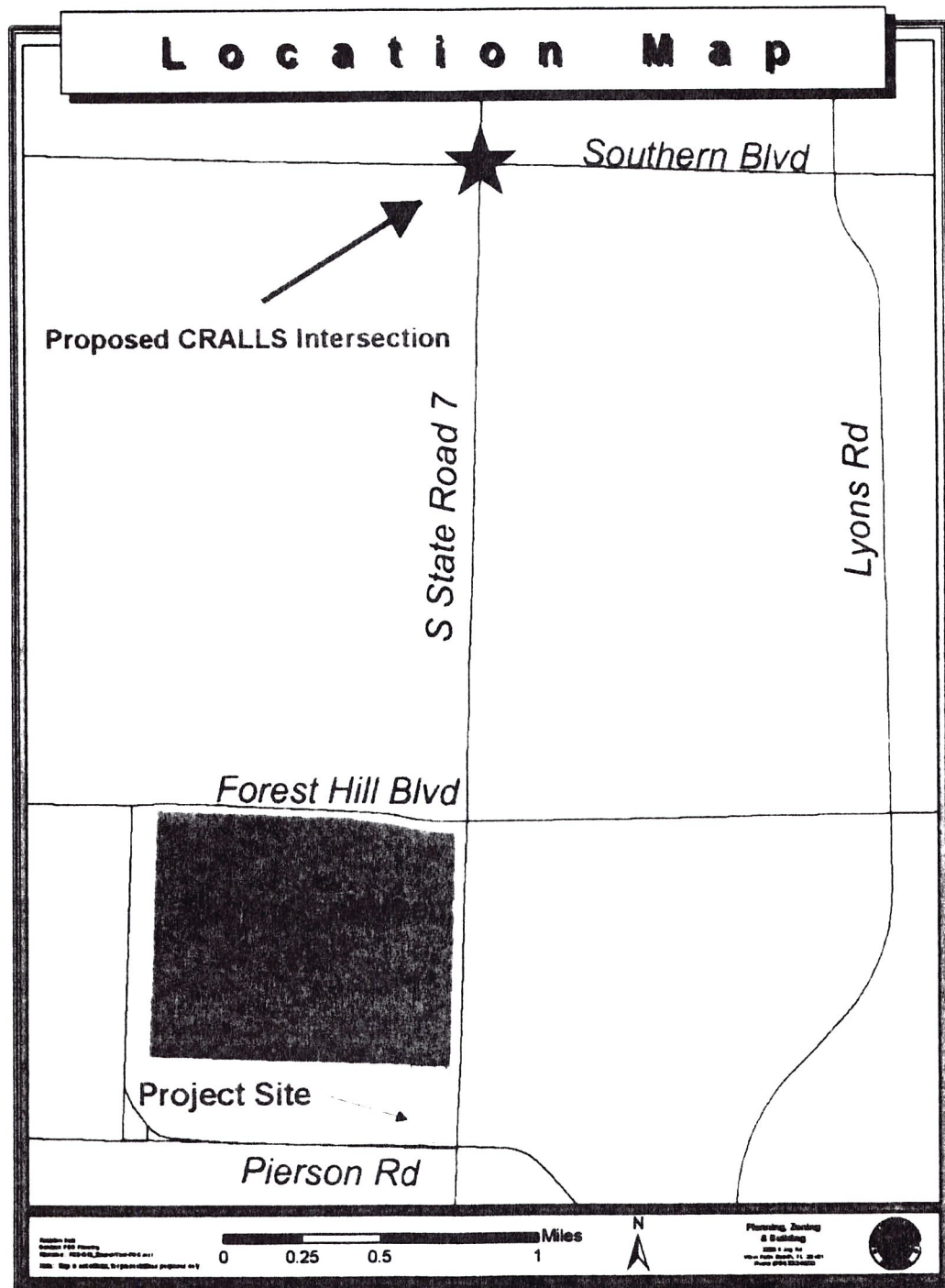
B. Map Series, TCEA and CRALLS Map (TE 15.1), State Road 7/Southern Boulevard Intersection CRALLS

REVISIONS: To revise the TCEAs & CRALLS Map (Map TE 15.1) to depict this CRALLS intersection designation.



B. Map Series, TCEA and CRALLS Map (TE 15.1), State Road 7/Southern Boulevard Intersection CRALLS

REVISIONS: To revise the TCEAs & CRALLS Map (Map TE 15.1) to depict this CRALLS intersection designation.



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on August 21, 2008

dated at West Palm Beach, FL on 9/3/08
By: Diane Brown

